

MINUTES OF THE CITY PLANNING COMMISSION SPECIAL MEETING

J. MARTIN GRIESEL ROOM

December 15, 2003
9:00 AM

Present: Appointed members: Donald Mooney, Terry Hankner, Pete Witte;
Councilmember James Tarbell; Community Development and Planning
Staff: Margaret Wuerstle, AICP, Chief Planner

Mr. Mooney called the meeting to order.

Mr. Mooney stated that Council has requested the Planning Commission to look at two issues; one related to Pendleton and one related to property in Linwood.

PENDLETON

Mr. Mooney stated when there is a question about the mapping, the Commission looks at what the property was zoned previously, the proposed zoning, if there is a community plan that impacts the proposed zoning map and the current land uses. Mr. Mooney stated that in some instances where the current zoning did not match the current land uses, the Commission has been a little more permissive in terms of changing the proposed maps or applied the appropriate zoning map category to complement the current zoning map.

Julia Carney, Senior City Planner stated that the zoning recommendations in Pendleton were based on two things: the existing environment as it is now and the Over-the-Rhine Comprehensive Plan. Using a future land use plan, Ms. Carney showed residential which is recommended to be RM-0.7 which requires 700 square feet per dwelling unit of land area. Ms. Carney stated that the existing built densities are denser than proposed with the RM-0.7. Ms. Carney stated that currently, on a block-by-block basis, the density goes from 263 square feet per unit to a maximum of 1,063 square feet per unit.

Mr. Tarbell asked if the new rating is less dense than the current use. Ms. Carney responded that what is currently 700 or less square feet per unit would become more dense with the recommendation and all property over 700 square feet per unit would become less dense.

Steven A. Kurtz, Administrator, stated that the other consideration is the RM-1.2 and staff would not typically place a designation on a property that does not meet the minimum requirement. Ms. Carney stated that none of the property meets the 1,200 square foot minimum requirement for RM-1.2. Mr. Mooney asked what the Over-the-Rhine Plan Comprehensive Plan recommends. Ms. Carney responded that the plan

calls for Residential Medium Density as the plan did not have a high-density residential designation in the plan. Ms. Carney stated that the current zoning on the site is R-6, R-7 and RB which are the highest density residential districts. Ms. Carney stated that the Over-the-Rhine Comprehensive plan recommends the school site be designated Residential Commercial Mixed. Ms. Carney stated that staff has recommended CNP because this would allow the school district and the community the greatest opportunity for redevelopment; RM-0.7 would only allow residential with a few commercial uses on the first floor.

Mr. Mooney asked if PD has been considered. Ms. Carney responded no because there is no development plan for the site that staff is aware of.

Ms. Carney stated that Pendleton was concerned about the CCP along Reading Road which is a pedestrian designation requiring buildings to be built to the street. CCP was designated vs. CNP because Reading Road is a very highly traveled road. Ms. Carney stated that Reading Road's traffic count is higher than Central Parkway.

Mr. Kurtz stated in Pendleton's letter it was stated that the community did not want CCP because they did not want the auto related uses but the CCP does not allow automobile related uses.

Ty Provosty, 1306 Spring, 45202, Vice-president of the Pendleton Neighborhood Council stated that he is a 20 year resident of Spring Street and is chair of the committee that was sanctioned by the community council for reviewing zoning issues.

Mr. Provosty shared five main purposes in the proposed zoning code that the community feels that the existing plan does not meet but the community's plan does:

- Preserve the character and quality of residential neighborhoods.
- Promote the economic stability of existing land uses and protect them from intrusions by inharmonious land uses.
- Provide opportunities for economic development and new housing for all segments of the community.
- Prevent excessive population densities and overcrowding of land and buildings.
- Promote conservation protection and restoration enhancement of the historic resources of the City.

Mr. Provosty stated that Pendleton is one of the oldest and smallest neighborhoods in the city.

Mr. Provosty affirmed two vast potentials or disasters that face Pendleton:

- The relocation of the School for Performing and Creative Arts-The park to the north of the school and the buildings that surround the residential structures on 14th and Broadway is the residential core of the neighborhood. What happens to the property and how it is developed has a lot to do with the residential character and integrity over time.
- The development of Broadway Commons. Concerned that a large development could be built on Broadway Commons, several businesses could be put together on Broadway and could severely affect the residential character of Pendleton.

Mr. Provosty stated that there are three condominium developments at the head of Broadway on Reading Road and the existing map shows approximately 75% of the neighborhood as residential and the proposed zoning designation reduces that to less than 50% residential. Mr. Provosty also commented that the current residential zoning is medium-density but the proposed zoning designation is the highest density for multi-family housing.

Mr. Provosty stated that the only difference between CNP and CCP is the height. Mr. Kurtz responded and apologized for an omission between the CNP and the CCP. In addition to the height, there is also a square footage limitation of 15,000 square feet on a number of the commercial uses in the CNP which is more in keeping with the neighborhood scale of a commercial neighborhood district. The Community Commercial, being on a major thoroughfare has taller buildings and larger square footage.

Ken Jones, 1324 Broadway, 45210, stated that Pendleton is requesting a review relative to the neighborhood's proposal.

Mr. Jones listed the Pendleton Zoning Committee's review, the issues encountered and questions raised relative to the City's determinations:

- The zoning designations in the Pendleton neighborhood was based on the Over-The-Rhine Comprehensive Plan, the existing zoning and, in the City's presentation, the staff used numerous mapping criteria but principally relied on existing lot sizes and current land use.
- The stated purposes and goals of the code
- Input from the community, property owners and stakeholders
- During the neighborhood review, it was unclear how the City's decisions were made and which area of the criteria had precedent over the other. The community feels that several of the zoning decisions show contradictions.

Mr. Jones stated that Pendleton is a locally and nationally recognized historic area and is also one of the major gateways to Downtown. Pendleton has two distinguished and

significant large historic buildings, the old Woodward School which is now known as the School for the Creative and Performing Arts. This is the site of the first free public school west of the Alleghenys. St. Paul's Church built in 1848 is the second oldest Roman Catholic Church in Cincinnati still standing and Pendleton was built around this church. The community is concerned that Pendleton's historic assets and value to the City are being ignored.

Mr. Jones stated that the community is concerned about the proposed CCP designation along Reading Road which implies large-scale development up to 85 feet in height. Mr. Jones asked what would keep historic buildings from being bought up and torn down if federal dollars are not used. Mr. Jones stated that several buildings along the Reading Road corridor toward the upper end of Pendleton are not in the historic boundary area and are afforded no protection from demolition.

Mr. Tarbell stated that the Reading Road corridor is a mixed-use.

Mr. Jones asked about the criteria used to create a zoning area for more commercial at the expense of Pendleton's historic area.

Chuck Downton, 1342 Broadway, 45202 stated that he has lived at this residence for six years. Mr. Downton stated that he feels the community and the City are in agreement to preserve the character of Pendleton but suspects that process has lead to this meeting. Mr. Downton stated that he was intimately involved in the development of the Over-the-Rhine Comprehensive Plan and that when the process began the Pendleton Community Council did not exist.

Mr. Mooney stated that when there were zoning disputes in other neighborhoods the Planning Commission and staff has looked at the current zoning and tried to replicate the current zoning on the new map with the new zoning classifications. Mr. Mooney stated that traditionally, when a plan is adopted and there is going to be changes in zoning, there is a zone change process. Mr. Mooney suggested that the Planning Commission and staff look at the existing zoning classifications and try to come up with appropriate classifications for those areas based on what seems reasonable, after that, a zone change would be needed.

Mr. Mooney and Ms. Hankner asked how much would be inconsistent by changing the RM-0.7 to RM-1.2. Ms. Carney responded that everything would be nonconforming because none of the blocks meet the 1,200 square foot requirement. Mr. Kurtz commented that RM-1.2 would take away rights of the property owners.

Mr. Provosty offered a compromise to draw a line down 13th Street with RM-0.7 and RM-1.2 above to the north.

Motion: Ms. Hankner moved to rezone what is zoned RB or R-6 north of 13th Street to RM-1.2.

Second: Mr. Witte

Vote: All ayes (6-0), motion carries.

Mr. Mooney asked if there was a motion to change the residential south of 13th Street to RM-07.

Motion: Ms. Hankner moved to rezone the residential south of 13th Street to RM-0.7.

Second: Mr. Witte

Vote: All ayes (4-0), motion carries.

Dottie Carman, Assistant City Solicitor, stated that she is not comfortable with the rezoning to RM-1.2, although maybe it should be RM-1.2, she feels that the zone change process should be utilized because there would be notification.

Mr. Mooney stated that there is no dispute about the zoning at Sycamore and Liberty. Mr. Mooney brought up the O-1, B-4, O-2 and B-4 business zoning and stated that the question is whether to change these business zones to CNP or CCP.

Mr. Mooney asked staff about changing the business zoning along Reading Road to CNP instead of CCP. Ms. Carney responded there would still be the protection of a pedestrian oriented district but there would be restrictions on the size of the uses and the height of the buildings. Mr. Mooney suggested making the properties that front on Reading Road CCP and the rest CNP.

Motion: Ms. Hankner moved to rezone the business zoning north of 12th Street to CNP and the business zoning that fronts Reading Road to CCP.

Second: Mr. Witte

Vote: All ayes (4-0), motion carries.

LINWOOD

Ms. Carney stated that the properties in question are on Bloor Avenue north of the Beechmont Levee and that Wilmer Court is residential single-family. Ms. Carney confirmed that the Linwood Plan recommends preserving the residential on Wilmer Court, but this would create a donut hole because there would be MG or ML surrounding the properties on Wilmer Court. Ms. Carney stated that staff is recommending making the whole area ML which permits the single-family homes to remain.

Gary A. Jacob, Jacob Bros. Heating, 3754 Beechmont Avenue, 45226 is concerned about the billboards on the lot because the ML requires them to be 25 feet from the residential. Mr. Mooney suggested that when Mr. Jacob has a specific plan, to talk to the neighbors and apply for a variance. Mr. Jacob is also concerned about the ML because contractor storage is conditional and outdoor storage is not permitted. Ms. Carney responded that the outdoor storage would be grandfathered because it is being done now.

Mr. Mooney asked if the ML or the MG is closer to the current M-2 zoning. Ms. Carney responded because of the residential and the current uses, the ML is more consistent with the M-2.

Motion: Ms. Hankner moved to change the RMX to ML.

Second: Mr. Witte

Vote: All ayes (4-0), motion carries.

ADJOURNMENT

With no further business to consider, the meeting was adjourned.

Laura Porter, Acting Director
Department of Community
Development & Planning

Donald J. Mooney, Chairman
City Planning Commission

Date: _____

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